

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
NE/S Lorraine Avenue 320' NW \* ZONING COMMISSIONER  
C/1 Riverside Drive (423 \*  
Lorraine Avenue) \* OF BALTIMORE COUNTY  
15th Election District \*  
5th Councilmanic District \* Case No. 88-417 A  
Edmund H. Hohman, Jr., et ux \*  
Petitioners \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 7 feet in lieu of the required 10 feet.

The Petitioners appeared and testified and were unrepresented. There were no Protestants.

The evidence tends to indicate that the Petitioners are the owners of the property described in Petitioner's Exhibit 1. It is their desire to place a 6 x 19 foot addition on the north side of the existing dwelling unit. This addition to the home will not be possible if a 7 foot side yard setback is not granted. The Petitioners testified extensively to the hardship and practical difficulties arising from attempting to place this addition at any other location upon the subject lot. Furthermore, there was extensive testimony that the addition is for an additional bathroom and closet space.

Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.), states that the Baltimore County Zoning Commissioner shall have the power to create variances from area regulations where strict compliance of the zoning regulations for Baltimore County would result in practical difficulty and unreasonable hardship.

After due consideration of the testimony and evidence presented, it is clear that strict compliance with the requirements would unreasonably prevent the use of the subject property for the permitted purpose; that substantial

injustice would be done to the owners and the contract purchasers and, that the granting of the variances would be within the spirit and intent of the law and would not create substantial detriment to the public good.

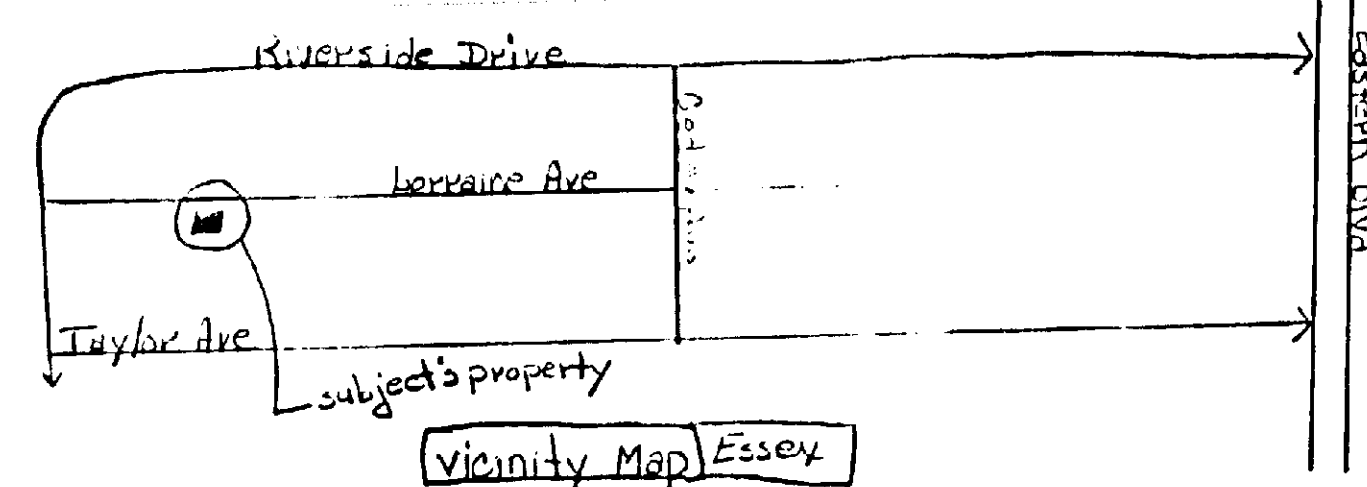
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and it appearing that strict compliance with the B.C.Z.R. would result in practical difficulty and unreasonable hardship upon the Petitioners and the granting of the variance requested would not adversely affect the health, safety and general welfare of the community, the variance should be granted.

IT IS, THEREFORE, ORDERED by the Zoning Commissioner of Baltimore County this 5th day of May, 1988 that approval to permit a side yard setback of 7 feet in lieu of the required 10 feet be and is hereby GRANTED, subject to the following restrictions:

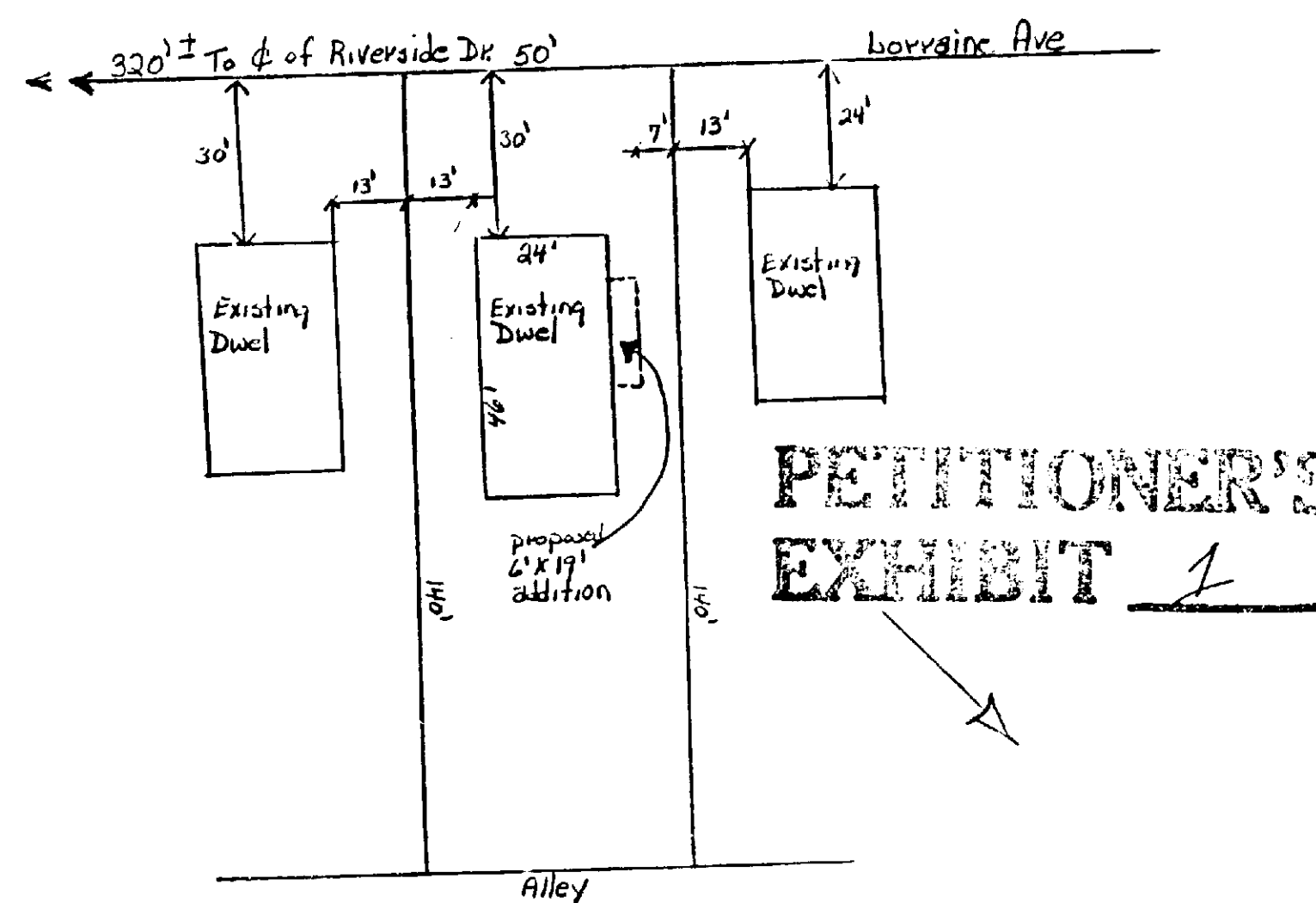
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*J. Robert Haines*  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

JRH:hm  
cc: Peoples Counsel



Vicinity Map Essex



Plot for zoning variance  
Owner - Edmund H. Hohman, Jr. & Deborah Hohman  
District 15 Zoned DR 5.5  
Subdivision of Essex  
Lot 27, Bk. 3M of section "E", Book W.H.M. No. 9, Folio 74  
Existing utilities on Lorraine Ave.  
Scale: 1" = 30'

Lot size: 7000 sq. ft.  
16 acres

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

MAR 02 1988



#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
Case numbers 88-417-A  
NE/S Lorraine Avenue, 320' NW c/1 Riverside Drive  
(423 Lorraine Avenue)  
15th Election District - 5th Councilmanic District  
HEARING SCHEDULED: MONDAY, APRIL 18, 1988 at 2:00 p.m.

Variance to permit a side yard setback of 7 feet in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Hohman  
File

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 to permit a side yard setback of 7 feet in lieu of the required 10 feet.

Our house is 35 years old. It has been renovated but it still has only one bathroom measuring 4 feet by 7 feet of actual space not including the tub. We feel the present bathroom does not adequately service the house. We feel at least a bath and a half is needed to provide the minimal necessities. We are also considering the fact that my father has suffered a stroke and has diabetes that is now affecting his ability to walk. There is the possibility that he could lose his foot. Should he need to stay with us, the additional bathroom space would be even more of a necessity as it would be next to impossible for us to help him into the bathroom or to assist him with bathing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Edmund H. Hohman, Jr.

Deborah A. Hohman

Deborah A. Hohman

Deborah A. Hohman

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No. 47500

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

ORDER RECEIVED FOR FILING  
DATE 4/15/88  
AMOUNT \$ 35.00  
RECEIVED FROM DEBORAH A. HOHMAN  
FOR PETITION FOR ZONING VARIANCE  
VALIDATION OR SIGNATURE OF CASHIER

DATE 4/15/88

DATE 4/15/88

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

Date: 4/15/88

Mr. & Mrs. Edmund H. Hohman, Jr.  
423 Lorraine Avenue  
Baltimore, Maryland 21221

Re: Petition for Zoning Variance  
Case numbers 88-417-A  
NE/S Lorraine Avenue, 320' NW c/1 Riverside Drive  
(423 Lorraine Avenue)  
15th Election District - 5th Councilmanic District  
HEARING SCHEDULED: MONDAY, APRIL 18, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Hohman:

Please be advised that \_\_\_\_\_ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE OFFICE SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 50511

DATE 4/15/88  
AMOUNT \$ 35.00  
RECEIVED FROM DEBORAH A. HOHMAN  
FOR PETITION FOR ZONING VARIANCE  
VALIDATION OR SIGNATURE OF CASHIER

DATE 4/15/88

DATE 4/15/88

DATE 4/15/88

#### ZONING DESCRIPTION

Beginning for the same on the northeast side of Lorraine Avenue, at the distance of five hundred and fifty feet southeasterly from the corner formed by the intersection of the north east side of Lorraine Avenue and the southeast side of Cedar Avenue; and running thence southeasterly on Lorraine Avenue, fifty feet; thence northeasterly, parallel with Cedar Avenue one hundred and forty feet to the southwest side of a ten foot alley; thence northwesterly parallel with Lorraine Avenue and binding on the southwest side of said alley with the use thereof in common fifty feet; and thence southeasterly parallel with Cedar Avenue one hundred and forty feet to the place of beginning. Being known and designated as Lot No. 27 of Block 3 M. of Section "E", of Essex, as shown upon a Plat filed among the Land Records of Baltimore County in Plat Book W.H.M. No. 9, folio 74. The improvements thereon being known as No. 423 Lorraine Avenue. Located in the 15 election district of Baltimore County.

#### "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. March 31, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 31, 1988.

THE JEFFERSONIAN,

*Susan Shuler Obrecht*  
Publisher

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th

Posted for: Lorraine

Petitioner: Edmund H. Hohman, Jr. & Deborah Hohman

Location of property: 423 Lorraine Ave., 320' NW c/1 Riverside Drive

Location of Sign: 423 Lorraine Ave. corner 15th & Lorraine Ave.

Remarks: c.c. property of L.H. Hohman

Posted by: J. Robert Haines

Number of Signs: 1

Date of return: 4/15/88

Signature: J. Robert Haines

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Signature: J. Robert Haines



**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**  
April 13, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. Edmund H. Hohman, Jr.  
423 Lorraine Avenue  
Baltimore, Maryland 21221

Item No. 269 - Case No. 88-417-A  
Petitioner: Edmund H. Hohman, Jr. et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Hohman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:cer  
Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

March 2, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 269, 270, 271, 272, 273, 275, 276, 277 and 278.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/pal-b

RECEIVED  
MAR 9 1988  
ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

February 4, 1988

Paul H. Reincke  
Chief  
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: Edmund H. Hohman, Jr., et ux

Location: NE/S Lorraine Avenue, 320' NW/c/1 Riverside Drive

Item No.: 269

Zoning Agenda: Meeting of 2/9/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( x ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Mr. J. Robert Haines  
TO: Zoning Commissioner  
P. David Fields  
FROM: Director of Planning and Zoning  
Zoning Petition Nos. 88-408-A,  
88-409-A, 88-410-A, 88-411-A,  
SUBJECT: 88-414-A, 88-416-A, 88-417-A

Date: March 24, 1988

There are no comprehensive planning factors requiring comment on this petition.

*P. David Fields per J. H. Howell*  
P. David Fields  
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3553

J. Robert Haines  
Zoning Commissioner

May 6, 1988

Mr. and Mrs. Edward H. Hohman Jr.  
423 Lorraine Avenue  
Baltimore, Maryland 21221

RE: Case # 88-417-A  
Petition for Zoning Variance

Dear Mr. and Mrs. Hohman:

Pursuant to the recent hearing held on the subject case, please be advised your Petition for Zoning Variance has been Granted, copy attached.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:mun  
att.

88-417-A

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
1st day of February, 1988.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Edmund H. Hohman, Jr., et ux  
Petitioner's Attorney: \_\_\_\_\_  
Noted and Accepted by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee